

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

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|---------------------------|---|------------------|
| COREY LEE OLIVER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION NO. |
| v. |) | 2:24cv419-MHT |
| |) | (WO) |
| LT. KATHY GARRIS, et al., |) | |
| |) | |
| Defendants. |) | |

OPINION AND ORDER

Pursuant to 42 U.S.C. § 1983, plaintiff, who is incarcerated at Chilton County Jail, filed this lawsuit asserting that the defendant jail officials violated his rights by opening his mail, sometimes outside of his presence; by making copies of the mail he received from federal court; and by keeping the original copies while giving plaintiff the copied documents.¹ This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's

1. Although plaintiff does not specify which of his rights were violated, he appears to be raising a First Amendment claim. See *Christmas v. Nabors*, 76 F.4th 1320 (11th Cir. 2023).

case be dismissed without prejudice for failure to submit information regarding his inmate account. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be withdrawn for the following reasons.

On August 26, 2024, U.S. Magistrate Judge Charles S. Coody ordered plaintiff to file a prison account statement in this case by September 9, 2024. See Order (Doc. 3). It appears that on September 9, 2024, plaintiff mailed his prison account statement to the court in the same envelope he used to submit an amended complaint for another case he has pending in this court, 2:24-cv-320-ECM-SMD *Corey Lee Oliver v. Investigator Walls, et al.*² The clerks' office filed both documents under case 2:24-cv-320-ECM-SMD.

2. Plaintiff may be confused by the distinction between this case and case number 2:24-cv-320-ECM-SMD, as evidenced by plaintiff addressing Chief U.S. Magistrate Judge Doyle in his handwritten letter in this case (Doc. 1-1 at 2).

However, plaintiff had already filed documentation of his prison account statement for case 2:24-cv-320-ECM-SMD months earlier, and there was no outstanding order for an updated account statement in that case. Therefore, the prison account statement filed on September 9, 2024, in accordance with the order in this case 2:24-cv-419-MHT-CSC (Doc. 3), should have been added to this docket.

In sum, the plaintiff complied with the court's order (Doc. 3), and a clerical error resulted in the inmate account statement being filed in the wrong case. Accordingly, the prisoner account statement in 2:24-cv-320-ECM-SMD (Doc. 18) should be properly docketed in 2:24-cv-419-MHT-CSC. To avoid such problems in the future, plaintiff should clearly label each document he submits with the relevant case name and number.

Accordingly, it is ORDERED that:

(1) The recommendation of the magistrate judge (Doc. 4) is withdrawn.

(2) The clerk of court is directed to docket in this case the prisoner account statement improperly filed on September 9, 2024, in 2:24-cv-320-ECM-SMD.

DONE, this the 12th day of November, 2024.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE